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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,052	04/16/2004	William Ashley Gouthro	0503.ash	7227
32707	7590	11/07/2005	EXAMINER	
SVEN W. HANSON PO BOX 357429 GAINSVILLE, FL 32635-7429			LEWIN, ALLANA	
			ART UNIT	PAPER NUMBER
			3764	

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/825,052	<b>Applicant(s)</b> GOUTHRO, WILLIAM ASHLEY	
	<b>Examiner</b> Allana Lewin	<b>Art Unit</b> 3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 10 is/are rejected.
- 7) ☒ Claim(s) 5 and 7-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/30/2004</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Robinson, et al (US Pat. No. 2,553,277).
3. Robinson discloses an apparatus that may be a physical training device for applying resistance forces to the human body that can be used during the practice of martial arts techniques, the device comprising a conformable grip for accepting a human hand formed in a fist (note Figure 2) having a medial and lateral side with flat elongated medial and lateral straps (see proximate lead lines 33 and 35) having proximal ends (note the point that member 35 is connected at proximate lead line 19).
4. Robinson teaches a finger shield within the grip and extending between the lateral and medial sides (see proximate lead line 25) that includes straps (see proximate lead lines 26 and 27) that comprehend applicant's 'flexible clench strap' as the finger shield pivots (see proximate lead line 36) thereby flexing and bending at this pivot point.
5. Furthermore, Robinson discloses a wrist shield extending between the medial and lateral straps (see proximate lead line 12) that comprehends applicant's 'top cross-strap', as well as a strap (see proximate lead line 14) that comprehends applicant's 'bottom cross-strap'.

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6. Robinson teaches elastic springs (see proximate lead line 34) attached to an extension (see proximate lead line 33) located on both the medial and lateral sides and connected to the medial and lateral straps. The spring, which imparts a resistive force on the grip, and extension comprehend applicant's resistance device that comprises at least one elastic member. This provides a means of applying a resistance force to the proximal ends of the straps and the user's forearm since as the fist is clenched, the straps (see proximate lead line 35) move clockwise as the springs (see proximate lead line 34) are engaged and forces are imparted to the wrist shield (see proximate lead line 12), or 'top cross-strap', which applies a portion of the force to the user's forearm.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson.

9. Robinson, discussed in detail above, fails to disclose dimensions for the device. However, in light of the structure, it would have been obvious that the wrist shield or 'top cross-strap' would have a length of 2.25 inches, as it would extend across a user's wrist. In order for the device to be appropriate for users with varying wrist sizes, a length of 2.25 inches would be appropriate.

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10. Regarding claim 6, it is unclear which distal point the applicant is referring to. As best understood by the examiner, the distance from the top cross-strap to the most distal point of the lateral strap is 6.5 inches. It would have been obvious that the distance from the wrist shield, which comprehends applicant's 'top cross-strap', to the most distal point of the lateral strap would be 6.5 inches as this distance extends from the wrist to the knuckles of a user and would be an appropriate distance in order to be used by users with various hand sizes.

11. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klotz (US Pat. No. 5,358,471) in view of Franzen (US Pat. No. 5,458,564).

12. Klotz discloses an apparatus that may be a physical training device for applying resistance forces to the human body that can be used during the practice of martial arts techniques with a conformable grip configured to accept a human hand formed in a fist with medial and lateral sides (note Figure 2), flat elongated medial and lateral straps (see proximate lead line 22 and 34), a clench strap within the grip (see proximate lead line 32), a forearm strap (see proximate lead line 68) which comprehends applicant's 'top cross-strap', and a wrist strap (see proximate lead line 74) which comprehends applicant's 'bottom cross-strap'.

13. Klotz fails to disclose the clench strap being flexible.

14. Franzen discloses an apparatus with an elastic hand strap (see proximate lead line 30) that aids in maintaining the user's hand in a clenched fist configuration (column 2, lines 55-58).

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15. Based on the teaching of Franzen, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized a flexible material for the clench strap of the Klotz device in order to more easily and comfortably maintain the user's hand in a clenched fist configuration.

***Allowable Subject Matter***


16. Claims 5 and 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allana Lewin whose telephone number is 571-272-5560. The examiner can normally be reached on Monday-Friday, 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AL  
11/2/2005



Stephen K. Cronin  
Primary Examiner